

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

	X	
DK ACQUISITION PARTNERS, L.P.,	:	
KENSINGTON INTERNATIONAL LIMITED,	:	
RUSHMORE CAPITAL-I, L.L.C., RUSHMORE	:	
CAPITAL-II, L.L.C., and SPRINGFIELD	:	
ASSOCIATES, LLC.,	:	
	:	
	:	
Plaintiffs,	:	
v.	:	Civil Action No. 08 Civ. 0446 (LTS)
	:	
JPMORGAN CHASE & CO., JPMORGAN	:	
CHASE BANK, J.P. MORGAN SECURITIES,	:	ORAL ARGUMENT REQUESTED
INC., CITIGROUP INC., CITIBANK, N.A. and	:	
CITIGROUP GLOBAL MARKETS, INC. f/k/a	:	
Salomon Smith Barney,	:	
	:	
Defendants.	:	
	X	

**NOTICE OF MOTION BY DEFENDANTS JPMORGAN CHASE & CO.,
JPMORGAN CHASE BANK, N.A., AND J.P. MORGAN SECURITIES,
INC. FOR SUMMARY JUDGMENT WITH RESPECT TO PLAINTIFFS'
CLAIMS BASED ON WESTLB DEBT**

PLEASE TAKE NOTICE that, upon the annexed declaration of Richard Andrew Swallow, executed on the 9th day of July, 2008, and the exhibit attached thereto, and the affidavit of Alan C. Turner, sworn on the 11th day of July, 2008, and the exhibits attached thereto, and the accompanying Memorandum of Law, and the cases and authorities appended thereto, Defendants JPMorgan Chase & Co., JPMorgan Chase Bank, N.A., and J.P. Morgan Securities, Inc. (the “JPMorgan Chase Defendants”) will move this Court before the Honorable Laura T. Swain in Courtroom 17C of the United States Courthouse, 500 Pearl Street, New York, New York 10007, on a date to be determined, for an order pursuant to Rule 56(b) of the Federal Rules of Civil Procedure for summary judgment in favor of the JPMorgan Chase Defendants with respect to Plaintiffs’ claims based on their purported holdings of debt originally held by WestLB AG.

PLEASE TAKE FURTHER NOTICE THAT, pursuant to Local Rule 6.1(b),
opposition papers, if any, shall be served within ten (10) business days after service of the papers
herein, unless otherwise ordered by the Court.

Meet and Confer Certification: Counsel for the JPMorgan Chase Defendants hereby certify that, as described in greater detail below, they used (and remain willing to continue to use) their best efforts to resolve informally the matters raised in this motion. The JPMorgan Chase Defendants' counsel notified Plaintiffs' counsel in the parties' joint Pre-Conference Statement dated April 26, 2008 (§ 3.5) of their intention to move for summary judgment with respect to Plaintiffs' holdings of debt originally held by WestLB AG. The JPMorgan Chase Defendants' counsel wrote again to Plaintiffs' counsel on July 9, 2008 re-stating their intention to so move for summary judgment, stating the grounds therefor, and inviting Plaintiffs' counsel to participate in a telephonic discussion regarding such motion. Plaintiffs' counsel requested additional time to consider the motion. In light of the Pre-Trial Scheduling Order fixing July 11, 2008 as the deadline for filing dispositive motions, counsel for the JPMorgan Chase Defendants advised Plaintiffs' counsel that they would proceed with filing the motion, but remain amenable to discussing with Plaintiffs any potential resolution of the motion consistent with the relief the JPMorgan Chase Defendants here seek.

Oral Argument Requested: The JPMorgan Chase Defendants respectfully request that this Court grant oral argument on their motion for summary judgment.

Dated: July 11, 2008

Respectfully submitted,

/s/ Thomas C. Rice
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 JPMorgan Chase Bank, N.A., and J.P. Morgan
 Securities Inc.*